

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

03-73250

CIVIL ACTION NO.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

HONORABLE

PAUL D. BORMAN

ACRO SERVICE CORPORATION

COMPLAINT AND JURY
TRIAL DEMAND

Defendant.

MAGISTRATE JUDGE CAPEL

FEDERAL COURT
EASTERN DISTRICT OF MICHIGAN
DETROIT

03 AUG 26 1994

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, and Title VI of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis on sex and to provide appropriate relief to Christine King, who was adversely affected by such practices. As alleged with greater particularity in paragraph 7, the United States Equal Employment Opportunity Commission ("Commission" or "EEOC") alleges that Acro Service Corporation ("Defendant" or "Employer") failed to rehire King following the closing of her branch office, because of her pregnancy and in retaliation for complaining about her supervisor's discriminatory remarks about women.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and 707(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000c-5(f)(1) and (3) and § 2000c-6(c) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42

U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan, Southern Division.

PARTIES

3. Plaintiff, EEOC is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) and 707(c) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 2000e-6(c).

4. At all relevant times, Defendant has continuously been a corporation doing business in the State of Michigan, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days before the institution of this lawsuit, King filed a Charge of Discrimination with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since November 2001, the Defendant has engaged in unlawful employment practices at its Livonia, Michigan location, in violation of Section 703 of Title VII, 42 U.S.C. §2000e-(2). Christine King was pregnant. On more than one occasion, Defendant's manager made derogatory remarks in reference to pregnant women. King subsequently complained about the discriminatory remarks. Shortly afterwards, King's branch office was closed and she was laid

off. Defendant refused to hire King for other available positions which she was qualified for, but instead hired two males from outside the agency to fill the positions. Defendant's failure to hire King was because of her pregnancy and in retaliation for complaining about discrimination.

8. The effect of the practices complained of in paragraph 7 above has been to deprive King of equal employment opportunities and otherwise affect her status as an employee because of her sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice and reckless indifference to the federally protected rights of King.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. GRANT a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from discriminating against individuals based upon sex, and retaliating against individuals who oppose discrimination.

B. ORDER Defendant to provide mandatory training regarding Title VII and its prohibition against pregnancy discrimination and retaliation to all management and non-management employees.

C. ORDER Defendant Employer to make whole King, by providing appropriate and other affirmative relief to eradicate the effect of its unlawful employment practices including, but not limited to, reinstating King to a comparable position, restoring her seniority and fringe benefits, and providing compensation for pecuniary losses resulting from the unlawful

employment practices complained of in paragraph 7.

D. Order Defendant Employer to make whole King, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

E. ORDER Defendant Employer to make whole King, by providing nominal damages and compensation for past and future non-pecuniary losses resulting from the unlawful employment practices complained of in paragraph 7 including, but not limited to, emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. ORDER Defendant Employer to pay punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G. GRANT such further relief as the court deems necessary and proper in the public interest.

H. AWARD the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

1801 "L" Street, N.W.
Washington, D.C. 20507

Dated: Aug. 26, 2003

Adele Raport
ADELE RAPORT (P44833)

Regional Attorney

ROBERT DAWKINS
Supervisory Trial Attorney

TRINA R. MENGESHA (P59458) ✓
Trial Attorney

DETROIT DISTRICT OFFICE
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 865
Detroit, MI 48226
(313) 226-4620